

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE**

**RUTHIE IRENE TERRY,**

**Plaintiff,**

**v.**

**THE PRUDENTIAL INSURANCE  
COMPANY OF AMERICA,**

**Defendant.**

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**No. \_\_\_\_\_**

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1441 *et seq.*, the Defendant, The Prudential Insurance Company of America, states as follows:

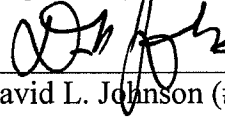
1. The Prudential Insurance Company of America is a Defendant in an action styled "Ruthie Irene Terry v. The Prudential Insurance Company of America," Case No. 9823, which was filed in the Chancery Court for Scott County, Tennessee on April 14, 2008. Copies of the summons and complaint filed in said action are attached hereto and made a part hereof by reference as collective Exhibit 1 and constitute all process, pleadings and orders served upon the Defendant in such action.
2. The summons and complaint have been served upon the Defendant.



3. This action arises under the provisions of the Employee Retirement Income Security Act, 29 U.S.C. §§ 1101, *et seq.* ("ERISA"). Therefore, the United States District Courts would have had original subject matter jurisdiction under 28 U.S.C. § 1331, 29 U.S.C. § 1132(e)(1) and 29 U.S.C. § 1132(f).

WHEREFORE, the Defendant respectfully prays that the above-entitled action now pending against it in the Chancery Court for Scott County, Tennessee be removed to the United States District Court for the Eastern District of Tennessee.

Respectfully submitted,



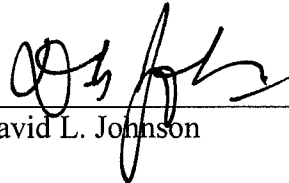
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Attorneys for the Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been forwarded by First Class mail, postage prepaid to David H. Dunaway, P. O. Box 280, LaFollette, TN 37766, on this the 16<sup>th</sup> day of May, 2008.



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David L. Johnson